

Twelve-Fifteen

by



Victor Lauriston

I.

ATORNEY BOB CRAIG'S old shoes were smoldering in the fireplace the night the gray-eyed woman came to see him.

The late September evening was a bit chill. Vida Craig had been housecleaning. Hence the phenomenal upheaval of all things terrestrial, and the smoldering shoes.

Craig, with his evening newspaper, hunched close to the grate, an oasis of comfort in a desert of desolation. The fireplace had not budged, he assumed, because it was built into the solid wall. Otherwise, Vida would have taken it out and dusted it. Strange, how even the nicest girls couldn't resist the temptation to houseclean.

When the maid brought in Miss Flora

Sutherland's card, Craig hastily dumped a scuttle of cannel coal over the smoldering relics.

He studied the card. The name was unfamiliar.

"Well, I'll take a look at her, anyway," he told the maid; and rose, smiling, to greet his visitor.

The smile froze when he met the look in her gray eyes.

It was a look that awed Bob Craig, who wasn't used to being awed by anything—the look of a steady seer into distances.

"Miss Sutherland?"

She nodded, and sat down. The lawyer settled again into a chair. He regretted the interruption. His fingers itched for the evening paper.

And then the gray-eyed woman spoke:

"I want you to defend Allan Fane."

Craig made no effort to hide his surprise.

Ferris, the Wallacetown lawyer, was defending Fane, so far as it was possible to defend Fane; and Ferris, in Craig's estimation, was making the best of an exceedingly poor case. Of course Fane would be hanged; the case was hopeless, anyway.

"Pardon me," he interposed, "but—"

"I was in Wallacetown all day. I heard what people were saying. I read the Carisford papers. Everybody is talking about the case. I want you to take it."

Craig's uplifted hand halted her.

"It seems to me, Miss Sutherland," he said, "that professional etiquette demands that the invitation should come from Mr. Ferris—"

"Mr. Ferris won't object."

"No?"

"Not at all. He is—he is ill, I understand—not able to appear in court—"

How big those gray eyes were, thought Craig—and how they kept on looking through him into distance. He had seen returned soldiers, limping along the streets of Carisford, with just such a deep gaze—the gaze of men who have looked on death, and on horrors worse than death.

Did those eyes mirror this young woman's horror of Allan Fane's crime—the murder of his best friend?

She spoke again.

"Won't you, Mr. Craig?" Her tone was all winning eagerness.

"First," he said, "I want to get my facts straight." He fingered the card; then turned on her with a swift question.

"Where did you meet Fane?"

Her gaze did not flinch.

"In the hospital at Château Royaumont, near Paris—the Scottish Women's Suffrage League hospital—"

"And you just arrived in this country?"

"I applied for leave as soon as I heard. I could not get away earlier."

"Have you seen Fane?"

"No. He is in jail here. I was advised first to see his lawyer at Wallacetown. I did. From what I heard, I did not like the way the lawyer was handling the case. Every one told me you were the best lawyer in Carisford—"

"Every one lied."

"So I came straight to you. Whatever is to be done, must be done quickly."

That, mused Craig, was true enough. Fane's trial at the fall term would open a week hence. Well, Ferris would simply have to muddle through the best way he could.

This woman was an old-country girl. She had been a nurse, of course. That was how she came to meet Fane. The charming scamp had deluded her into believing him better than he was. Well, the only honest thing was to disillusionize her at once, if he had to be brutal.

"I'm afraid," he began bruskiy, "you don't understand this case. You don't know this fellow, Fane, as I know him. He left his country for his country's good—because a muddle-headed magistrate at Wallacetown thought a bad criminal ought to make a good soldier. It was the Canadian Expeditionary Forces or the penitentiary; so Fane chose the C. E. F. The first week he was in khaki he got C. B., and he got it plenty after that—for repeated insubordination. He had no use for authority of any kind. And—"

The gray eyes flashed.

"Allan Fane never had a chance."

"Oh, didn't he?" Craig used the whip of brutality unsparingly. "Andrew Fletcher picked him off the streets because he had a nice face, took him into the best home in Wallacetown, used him like his own son—and he went wrong, just the same. Andrew Fletcher made him his heir—and still he went wrong. I saw the boy in police court that day he enlisted. He was stiff, unrepentant, not a bit sorry that he had broken the old man's heart."

"But—Mr. Craig—"

"Listen to me," insisted Craig, almost savagely. "I know the whole story, and you don't. Fane went overseas, and disgraced the uniform he wore. Then he came home, and killed his benefactor in selfish fear that he might be disinherited—"

"Mr. Craig!" The gray-eyed young woman was on her feet, leaning over him. "Mr. Craig—that's wrong. The Allan Fane I knew at Royaumont could not have done that, because—because he promised

me to keep straight, and—I know he kept his word."

"Have you seen him since?" asked the lawyer dryly.

"N-no."

"Sit down," urged Craig. Yes, she was a very self-deluded young woman. "Did you see Mr. Ferris?"

"Mr. Ferris is wrong. He has been trying to show that it was aberration—temporary insanity—the result of shell-shock. Why, what good will it do to give Allan Fane his freedom if he comes out of court with the shadow of a crime still hanging over him?"

Craig's look grew grave. This young woman's earnestness was amazing. Yes, it was implacable. There was not the slightest hint of concession in her tone or manner.

Fane was innocent. Fane could not have done this thing. Why? Simply because Fane had promised her he would live straight—and Fane could not break his word.

"Will you let me go over the evidence?" he urged more kindly.

He was sorry for this self-deluded young lady, but he had to put her right.

She listened patiently enough. Fane, coming home from overseas after his discharge, went straight to Wallacetown, to his foster-father, old Andrew Fletcher. He reached there in the afternoon. He was there when Basil Dorgan, Fletcher's nephew, called that evening; and he was still there when Dorgan left at a late hour.

Dorgan had found the two men quarrelling, but managed to smooth over the difference. After Dorgan left, the dispute was renewed—the servants up-stairs were awakened by the sound of loud voices. They saw the soldier running from the house; in his study down-stairs they found old man Fletcher dead—choked to death.

Next morning Fane was found marching along the country road, singing "Tipperary." He couldn't give the slightest account of what had happened after the first quarrel—at least, so he claimed.

"He is left alone with Fletcher." Craig impressively lowered his voice. "There is a dispute. Fletcher is killed. Fane is seen running out of the house. When found, he refuses to give any account of himself."

He paused, as though to ask: "Where is the weak link in the chain?"

"I have heard all that," returned Flora Sutherland quietly.

"On the strength of that evidence," pursued Craig, "Ferris bases his defense—aberration resulting from shell-shock, and precipitated by the violent quarrel. It's sheer camouflage, of course. But it's the one possible defense."

"No."

"What would you have?"

"A straight plea of not guilty. That is the only way to save Allan Fane."

"From the gallows?" Craig's tone was skeptical.

"No. From himself."

II.

It was Craig who relieved the silence.

"Pardon me," he said; and, reaching for the telephone, put in a long-distance call for Ferris at Wallacetown.

Ferris, ultimately routed out of bed, listened with grumbling impatience to the Carisford lawyer's explanations.

"So far as I'm concerned," he snapped, "you're welcome to the brief, Craig. I can't handle the case. I—I'm not feeling quite myself."

"You mean," Craig shot over the wire, "that you're sick of a hopeless case? That you want to throw up the sponge?"

"Now, see here, Craig—"

"That's just what you mean, Ferris?"

"Y-yes, I do mean it." The country lawyer's tone grew firmer. "Between you and me, Craig, that fellow Fane is guilty as hell. He killed old Andrew Fletcher deliberately to prevent his changing that will. And he'll hang for it as sure as the sun rises to-morrow morning. Nothing you or I can do can save the fellow. Any one who wants to defend him is welcome to the chance."

Craig hung up the receiver presently.

"It's just as I thought," he said gently. "Ferris realizes the case is hopeless, and doesn't want to carry it on. Well, I don't want the case, either. To be perfectly plain, I won't take it. Miss Sutherland," he added more kindly, as he saw her white disappointment, "I'm sorry to say no to

you, but so far as Fane is concerned, I have no regrets. It's too late in this last week to do anything for him, and I could do nothing if I had a year. If Ferris will not continue, you might try Hawke. He's pretty shrewd—the most experienced lawyer in Carisford—I'll give you a note to him—"

He whipped out his fountain-pen.

"I don't want a note to Mr. Hawke," interposed the pertinacious Miss Sutherland. "I want you to take the case."

Craig was nonplused.

"I've heard all these things you've told me. I've heard them so often in these twenty-four hours that they have ceased to hurt. They don't signify. The people who say them don't know. They've never seen the things that Allan Fane and I have seen; they haven't gone through that—that hell."

Craig was about to speak, but something in the woman's gaze commanded silence—and silent he kept himself.

"You think the thing that counts is to get an acquittal, on any sort of plea—to save his life. What is life, anyway, Mr. Craig? It doesn't count. I know. I had four brothers—they're dead, all of them, now, but they died in this war—for their country. For what was right. It's better to live a few weeks and hold your self-respect, and be right in your own eyes, than to slink through life with a stain on you. Don't you see, Mr. Craig?"

He said nothing.

"That was what he would prefer—the Allan Fane I knew at Royaumont. Why—"

Craig listened. Her eyes held him, her earnestness gripped him. She was telling the story of it all. His fingers clenched. He could see Fane go over the top; he could see her beside the wounded soldier's cot; he felt the realization that there were things in life beside which life itself was cheap.

Yes, and he felt the thrill Fane himself must have felt at the nearness of this woman with the tense faith.

That was it—faith. Those gray eyes had discerned, through shallow pretense, that other Allan Fane that Wallacetown had not seen. They had unlocked the hidden chambers of a scapegrace soul.

Craig came down to earth with practical suddenness.

"I'll defend Allan Fane," he said.

Yet he stayed practical.

"Remember," he urged once more, "I might be almost sure of acquittal on the other plea—aberration—"

"I know Allan Fane," she insisted.

"He must have a clear-cut verdict."

"I'm afraid he will," thought Craig.

III.

CRAIG next morning found himself wondering why he had taken so hopeless a case. Yes, he remembered now, there was something Flora Sutherland had said—but what had she said? He could not remember, try as he would, what argument had swung him.

He wondered, and appraised himself a fool to have let this girl's big, gray eyes and deadly earnestness get the better of his sober judgment.

He felt the more disgusted with himself after interviewing Allan Fane at the county jail.

Fane, he reluctantly admitted, had changed a trifle for the better. In the old days he had been good-looking in a youthful, effeminate way; but three years of soldiering had filled out his slim figure and strengthened his attractive face.

"You've got to go into the witness-box and deny you killed Fletcher," said Craig peremptorily. He had no time to argue.

Fane gazed at the lawyer with troubled yet steady eyes.

"I can't do that."

"If you don't, they'll hang you."

Fane whitened. "I can't, just the same."

"But why can't you?"

"Simply because I don't know whether I killed dad—I mean, Mr. Fletcher." Fane shuddered. "I can't see how I could ever do such a thing—I don't know how it happened. Was I there, anyway?" He passed his hand over his forehead. "Yes, there was a racket of some kind, and—and then my head began to buzz—and next thing I knew it was morning, and I was on patrol and wondering why the devil Fritz hadn't started strafing yet."

If this were not real, it was superb acting. Craig pondered.

"You believe you didn't do it?"

"How could I have ever done it?" Now fear was in the young man's eyes.

"Then surely you can swear you didn't—and stick to it—"

Fane looked straight at him.

"No. You see, I might have done it."

Craig's nails bit into his palms. Such meticulous nicety—such rare punctilio—did not jibe with the daredevil Allan Fane he had known.

"You see," added the soldier, "I promised some one—well, never mind about that; but I'll tell you just this, Mr. Craig: I can't take chances with the truth. I could only tell them that I thought I didn't do it—that I hadn't the slightest reason to do it. You see," he apologized, "I was shell-shocked in the Somme fight. That's why they had to let me out. A bit of extra excitement throws me off my trolley and my mind starts to buzz—"

"It didn't when you were arrested?"

"No. Maybe the shock of that brought me back for good. I hope so."

"Then," said Craig grimly, "I wish they'd arrested you three days sooner."

All the while the lawyer had watched Fane closely. He wanted to know if his client told the truth.

Craig inclined to think the aberration genuine, not mere pretense, as he had first surmised. Fane's story might actually be true. If so—if alienists confirmed him—what a defense he might have had!

He might use it yet, if he had to. His first duty was to his client, not to Flora Sutherland.

Said Fane just then:

"I don't want any insanity plea, Mr. Craig."

That afternoon Craig sat in his office long after the staff had gone. He wanted opportunity, quite alone, dispassionately to review the evidence.

He could not feel sure what line Prosecutor McAllum would take; but he did know Prosecutor McAllum's past vindictiveness.

With all his pose of an impartial seeker after justice, McAllum was out to hang

Fane. His attitude at the inquest and the preliminary hearing had left no doubt of that.

Before Craig's fancy, as his mind reviewed the case, rose the vindictive figure of McAllum, driving each vital point of evidence relentlessly home—

McAllum at rest, nervously twitching his slight mustache, smiling satirically out of his pale-blue eyes—

McAllum, raking up all that dismal, grim past that the young man had fairly atoned for when he put on khaki and went to do his bit—

McAllum, out to "get Fane" by hook or by crook.

"Damnable odds!" exclaimed Craig savagely.

There was a tap on the door.

"Come in," said the lawyer, glowering across the red rug at the cannel coal crackling in the grate.

Flora Sutherland came quietly in.

"You have seen him?"

Craig nodded.

"It's no use," he said desperately.

"But can't I help?"

"How?"

"I'll go into the box myself and tell them everything. How he told me in the hospital, 'I'll square away and make a man of myself'—and I know he did."

Craig smiled tragically. When were a woman's intuitions allowed as evidence?

Yet for a deliberative moment he weighed the pros and cons. The pretty girl who had swayed him so stupendously against his better judgment would surely be an asset with a jury. Flora Sutherland might have the same amazing effect on the twelve good men and true that she had had on him.

Then he shook his head.

"I dare not put you in the box."

He could picture McAllum in cross-examination wresting from Flora Sutherland's unwilling lips the story of what Fane had been before he made that promise.

"I could tell them," she interposed hopefully, "that over there he did his bit—and more."

Craig, staring at her, heard McAllum's resonant voice addressing the jury. "His majesty's uniform is not a license to com-

mit murder. That the man accused has worn it, and lived, should not blind us to the fact that thousands of our boys have worn it, and died that we might be shielded from such crimes as this—"

Craig shook his head again.

"But I came thousands of miles to help Allan Fane—"

"Miss Sutherland," he returned, "I dare not take the risk."

Then he sat up briskly, glimpsing sudden hope.

"I need more time. I'll get it. The jurors are all farmers, and every farmer is needed right now on the soil. McAllum might agree to release the jury and let the case stand over till next spring—"

Flora Sutherland brightened.

"But"—her eyes fell—"he must stay in jail so long."

Craig realized next morning that this straw of hope was a slight one. After all, a murder trial was too serious a thing to be thus shuttled back and forth.

Yet he made his proposition to the prosecutor.

"Nothing doing, Friend Craig." And McAllum twirled his mustache.

"Your client," added the prosecutor, "might as well plead guilty and throw himself on the mercy of the court."

"Damn!" snarled Craig, and stalked out. The prosecutor's thin, contemptuous laugh floated after him.

IV.

CANADIAN courts pride themselves on their swift execution of justice. Craig himself had boasted once that a criminal court in the old, gray court-house at Carisford could try, convict, and hang a murderer in half the time that it took to empanel the Thaw jury.

Now, that youthful bit of bluster came back to hit him hard. He felt himself desperately crowded. He had no time left to search far and wide for testimony out of which to build a case.

He had to improvise his case as General Sandeman Carey improvised an army when Gough's fifth army broke—out of what odds and ends of material came handy. He hoped a little from the natural carelessness

of the police in dealing with a perfectly obvious case. He hoped, too, for a cue from the confident prosecutor.

Meanwhile, talking with Flora Sutherland, he laid his cards on the table.

"I'll play up that Fane was a soldier. Sentiment—that's our only hope. Side-step his record here, of course. And drive hard wherever their case shows a hint of weakness."

Long before the first afternoon's evidence closed Craig realized that he was up against a stone wall.

The servants gave testimony, circumstantial but damning; they had heard the quarrel, had heard Dorgan leave, had heard the dispute renewed after Dorgan left. They had heard Fane run out, slamming the door; from the upper windows had seen him, in his soldier's cap and greatcoat, hurrying across the street. Then the housekeeper had ventured down and found Mr. Fletcher dead.

Craig pounded them all with relentless cross-examination, and most of all the housekeeper. He fairly harrowed the testimony of neighbors who, wakened by the noise, saw the soldier leave the house.

Once only he glanced at his client. Fane was very white, but his eyes stayed steady.

Craig saw that Flora Sutherland, seated beside him, trembled.

He drew his lips tight. He could understand what suffering this realization brought her—realization that Fane was guilty, and that theirs was a lost cause.

McAllum, from each witness, contrived to bring out some fragment of Fane's old record.

"It's damnable," whispered Craig to the girl beside him. "Couldn't the fellow leave the past alone?"

But McAllum's tactics were shrewd—devilishly so. Every forgotten escapade thus recalled deepened the prejudice against the man accused. Craig could feel that prejudice in the chill attitude of the crowded court-room each time he rose for his cross-questioning.

Yet desperately he hammered on, and between times watched hopelessly while McAllum, with a cloud of witnesses, riveted the crime upon Fane.

The second day of the trial McAllum put in medical testimony.

"Might not apoplexy have caused death?" questioned Craig.

"Apoplexy could not have caused the finger-marks on Fletcher's throat," was the crushing reply.

Yet Craig pressed the question. It might be possible to sift into the testimony of the prosecution some hint of doubt. That, and the fact that he had worn khaki, might yet save Fane—though the grim faces of the watchful jurors betokened otherwise.

In his desperation Craig ventured a hypothetical question. He was surprised that McAllum did not object, that the court let it by.

"Do you know anything about shell-shock?"

"A little," testified the physician on the stand modestly. "I spent a year with the A. M. C."

"A man who has suffered shell-shock might after recovery be subject to mental lapses brought on by excitement, when he would be irresponsible?"

Craig looked away from Flora Sutherland as he put the question.

"He might."

Craig felt he had gained a point.

McAllum, in rebuttal, asked one question:

"The shock of finding that he had committed a serious crime might result in lapse of memory?"

"Very likely."

There dangled the insinuation that the aberration, if it really existed, might be due, not to the dispute between Fane and Fletcher, but to Fane's remorse for a crime committed while in full possession of his senses. Craig felt he was countered.

In the lawyer's lounging-room, after the court had adjourned for lunch, Craig encountered a big man in shabby clothes. The big man was putting on a battered, green fedora that had once been black. He was Adam Hawke, the leader of the Carisford bar, attired to meet his farmer clients.

"Bob, my boy," said Hawke kindly, "you're tuckered out."

"It's a strain," confessed Craig bitterly. Reaction hit him hard; he was not himself.

"It wouldn't be so bad if I had a fighting chance, but—"

"That was a good cross-examination," Hawke encouraged him. "If those witnesses had been lying, you would have broken them." He drew Craig into a quiet corner. "I've been through the mill, boy." Craig thrilled in response to his deep-toned sympathy. "I've felt that very strain. I've seen witnesses reel under it. It's wonderful how rarely a man caves, though. There's something in most men to carry them over the hard road. I've seen men stagger out of the witness-box, white, sick, broken. Yet they manage to hold up till I say, 'You may go.'"

He paused.

"I've often thought," he added, "that if, ten minutes after I finished cross-questioning, I could fling a single question at a witness, I could break him, every time."

"Why?"

"Did you ever play football, Craig—with an ankle twisted, or a wrist sprained, or a couple of ribs caved in? You hold right up through the scrimmage, but afterward—"

He paused.

"If you'd have to play ten minutes after you scored the winning goal, it would kill you. It's just that way with the witness—or with the lawyer. A man is weakest when the strain is lifted. The reaction is sickening."

Craig shrugged his shoulders.

"What do you think of my case?"

The older lawyer smiled, compassionately, Craig thought.

"Boy, I know you'll do your darndest."

Craig knew what that meant; yet he stuck out his jaw, just the same. Hawke had followed the evidence, and Hawke realized there was no hope. And Hawke was right about that strain and that reaction. He would struggle through—somehow—and then—why, then, a child could break him with a feather.

V.

TOWARD the close of the second afternoon McAllum put Basil Dorgan in the box.

That meant the case for the prosecution

was nearly closed, mused Craig. McAllum's tactics he knew; McAllum was not the man to close a case with trivial evidence. He held his strongest witness to the last.

Dorgan was old Andrew Fletcher's nephew, a middle-aged, hard-faced man with eyes cold as icicles. Craig knew him distantly—eminently respectable and eminently close-fisted. He did not like him. Beneath his mantle of respectability he had done things that Craig's impulsive nature did not like, but that the methodical law did not interfere with.

With an air of reluctance Dorgan told of the last encounter between Fane and Fletcher when the young soldier came home to his foster-father.

He had come to Wallacetown to see Fletcher on business, and found the two in the midst of their dispute. Apparently Fletcher was angry at Fane and had threatened to cut him off.

"His will was made in Fane's favor?" questioned Prosecutor McAllum dryly.

"Yes."

Craig leaned closer. There was something cold-blooded about Dorgan's eyes that he did not like.

"Then," pursued McAllum, "if Fletcher were—er—to die, the estate would go to Fane?"

Craig objected vehemently. McAllum merely smiled. No amount of objection, no ruling of the court, could sponge out the impression that question had made on the minds of the jurors.

Yes, decided Craig, there was something cold-blooded in the very reluctance with which Dorgan incriminated Fane. Yet Dorgan's testimony impressed him. Dorgan was frank to a degree, concise, clear-spoken, and sorry—yes, sorry for Fane. Craig didn't like his testimony. He saw it impressed the jury.

Then he woke, with a start, to a forgotten fact; to the certainty that all these witnesses were telling the simple, hideous truth; that Fane was guilty.

He took up his cross-examination. McAllum had not fully established the hour that Dorgan left. Craig prodded that apparently weak spot.

"I stayed quite late," said Dorgan. "I

was trying to smooth over the difference between Fletcher and Fane. Then, my train did not leave till 12.35 A.M., and Fletcher urged me to stay." He hesitated. "He seemed afraid."

"Of what?"

"Of Fane. The young man was—ah—very violent in his threats."

Craig leaned closer.

"Will you swear Fletcher was not afraid of you?"

McAllum wriggled in his seat, and glared angrily at Craig.

"You were his only blood relation?" pursued Craig, almost menacingly. "If he were removed by death, and Fane by the law, you would inherit his entire estate?"

McAllum glared again. The purport of all this was plain. Craig was trying to suggest a doubt as between Fane and Dorgan.

Then the prosecutor's sarcastic smile returned, and he twirled his mustache. The jurors, he saw—and Craig saw it, too—were unimpressed.

Dorgan, quite unmoved, answered question after question, covering his movements that night. He had left at twelve o'clock, to walk to the station, and reached the square in front of the town hall at 12.15 A.M.

McAllum smiled.

Craig, cursing the futility of it all, continued his stubborn questioning. Here he had almost deluded himself into belief that Fane might be innocent; but Fane was guilty. He must not forget that. Fane was guilty. He could fight Fane's battle the better if he never lost sight of the truth—that Fane was guilty.

"How do you fix the time you reached the square?" he demanded.

"I asked a man on the corner what time it was. He called my attention to the tower-clock. It marked twelve fifteen."

He paused, outwardly quite calm; yet Craig could sense the sneering triumph in his cold eyes.

It was at twelve fifteen that morning—Sunday, April 14—that the soldier had run wildly from the Fletcher mansion, and the servants had found the old man dead.

Dorgan could not have been in both places at the selfsame moment.

"We stood there a few minutes talking. The man said he thought it was going to rain again. I mentioned that I had to catch the twelve thirty-five. He said, 'You better be going.' Then we glanced again at the clock. It marked twelve twenty. I hurried to the station, and reached it just in time to catch the train."

Craig harried Dorgan with relentless cross-questioning as to hour and minute. When he had tired himself, the jurors, the prosecutor, everybody but cold-blooded, respectable Dorgan, by his futile questioning, the judge interposed:

"Let us get on with the evidence."

Craig desisted.

McAllum called the station-agent, who remembered Dorgan's arrival. Craig stuck to his cross-questioning, till again the impatient judge intervened. The futility of it all made the bulldog lawyer feel foolish. He realized with a sinking of the heart that his desperate efforts had shaken the prosecution not the least.

"Nicholas Tanzer," called McAllum.

Craig wondered who Nicholas Tanzer was. He was soon enlightened. Nicholas Tanzer was a furtive-eyed, horsey man, who kept a livery-stable at Wallacetown—the man who had met Dorgan on the square at the very moment that Andrew Fletcher was killed.

Tanzer corroborated Dorgan in every detail.

"You met at twelve fifteen?" asked Craig. "How do you fix the hour and moment?"

The judge shuffled in his seat.

"Pardon me, Mr. Craig, but it is late—almost twelve fifteen—"

The legal lights flickered with dutiful laughter at the judicial jest.

"Would not an adjournment be in order?"

Craig went down with colors flying. "I will cross-question in the morning," he announced.

As he rode home in his car, a sudden idea flashed to him. The housekeeper—the first to find Andrew Fletcher, and alone with Fletcher in that room for a bare moment?

He dismissed the idea the instant it oc-

curred. He knew the woman well enough for that.

At home, he collapsed into a chair before the fire. His reaction had come—it had not waited for him to finish muddling through.

VI.

CRAIG realized that there was no loop-hole. Tanzer's testimony had clinched Dorgan's evidence. His own tense, protracted questioning of Dorgan had merely served to make Dorgan's alibi the more effective.

Of course Fane was guilty. Why had he ever allowed himself to forget that, even for a moment? Was it the girl's influence that had misled his common sense—or was it something in Fane himself, sun-tanned, clear-eyed, to all seeming doubly the man for the three years of furnace-fire he had gone through?

Craig struggled up, gesticulating wildly. What did it matter, anyway? Before this he had tried, and failed. He was taking this thing too seriously. Surely, it was all in his day's work.

"To my way of thinking, girly," he muttered weakly, as Vida Craig came down-stairs in slippered feet, "a man might as well be hanged as spend all his life behind bars."

"It's late," she told him, practically. "Past midnight, Bob. You need sleep. You'll feel more like yourself after a night's rest."

"Rest!" he exclaimed. "I can't rest. I'd just lie awake and think of this accursed case. I want to play the coward and run away from it all."

"That's a dear."

"You'd better turn in and get your beauty sleep," he added. "I'll be all right."

To which she tossed her head, and settled on a foot-stool with her chin on her hands, looking up at him with an understanding silence that Craig loved.

"Where's the evening paper? Oh, darn it, I left it at court. Is there anything to read?"

"I've just finished housecleaning," said Vida Craig contritely.

Craig realized that. The fern on the center-table was set neatly on a spotless doily. The bric-à-brac in the china-cabinet fairly shone. Only his wife's understanding silence reconciled him to the ghastly, all-pervading neatness.

Not a newspaper was in sight. Everything fresh, he realized, had been used to line shelves. He glanced at the book-cases, shrank from Carlyle, turned away from Scott—then his eye lit on the ornamental waste-basket in an inconspicuous corner.

He pounced upon it. Vida Craig saw, and smiled, and held her peace. She had swept those old papers from the shelves that morning, and had been too busy to burn them.

Craig sank into his chair, and filled his pipe, and spread out a five-month-old newspaper. Let Fane hang!

He reveled in the April predictions. What fools these prophets were! He read the advertisements of new spring styles, and smoked, and forgot Basil Dorgan and McAllum, and the prisoner at the bar, and even gray-eyed Flora Sutherland. He turned page after page, and let his mind run—run away, away, away from the losing fight.

And then, with an exclamation, he dropped his pipe, covering the freshly manicured rug with ashes, burned a hole in his house-coat, almost upset the fern—and reached for the telephone.

VII.

CRAIG, coming into court next morning, shook hands with his client, and nodded wearily to McAllum.

"Well, Friend Craig," whispered the prosecutor in an ironic aside, "this is the day the price of hemp goes up?"

Craig looked tired. One could tell he had not slept much. His eyes were heavy.

"Unless you bewilder us with a cloud of witnesses—eh? Every day you spend in testimony is that much respite."

"I'm putting in just one witness."

"Oh?"

McAllum's uplifted brows spelled decision as Craig slumped heavily into his chair.

Tanzer was recalled to the stand.

"You are on your oath," Craig reminded him solemnly.

"Yes, sir."

Craig looked at him hard a moment. The man was nervous. There was nothing in that, though. Most witnesses were nervous.

In slow tones he began a dragging cross-examination—tedious, terribly so, to the entire court. The judge on the dais, the counsel within the bar, the jurors, the crowd in the court-room, began to shift nervously and to cough. Relentlessly Craig probed into the man's relations with Dorgan, and learned nothing. Then, step by step, he sought to trace Tanzer's movements while Dorgan was in Wallacetown—and learned nothing.

"We met just by chance," insisted Tanzer.

"You say that you met Basil Dorgan in front of the town hall at Wallacetown on the night of the murder, at 12.15 A.M.?" Craig asked, not for the first time.

"Yes, sir."

"That was at 12.15 A.M. on the 14th day of April, 1918?"

"Yes, sir."

The judge interposed.

"Mr. Craig, we have been over all this ground—"

Craig smiled deferentially.

"Your lordship, I felt that I must have misunderstood the witness. In so vital a matter I wish to be absolutely certain." He spoke to the judge, but his eyes were on the jurors. "Our entire case hinges on this point. I will ask just one question more." He whirled on Tanzer.

A glint of satisfaction showed in the man's shifty eyes, beneath the strain, at this prospect of release.

"How do you fix the time?"

Tanzer's reply came a bit unsteadily.

"We—Dorgan and I—looked at the town-hall clock. It marked exactly twelve fifteen. We talked for several minutes, and Dorgan mentioned having to catch a train at twelve thirty-five. We looked again. Then it was twelve twenty."

"Exactly?"

"Exactly."

"That will do," said Craig.

There was a long moment of silence. Then Craig fancied a sigh of disappointment. Were there, after all, a few in the court who saw Allan Fane as Flora Sutherland saw him, as Craig himself was slowly coming to see him—a man who had struggled hard to lift himself from hopeless depths—and who might not be guilty?

McAllum smiled grimly.

"Mr. Craig's cross-questioning has confirmed our case so well," he said, "I feel I need ask no questions. We rest our case here."

Craig sat back a moment. Tanzer, pale and weak from reaction after the long strain, was slowly leaving the box. He trembled, and seemed to stagger. The lawyer rose.

"Call Thomas Jackson," he said in a low, clear voice.

A wizen little man hobbled into the box, and kissed the ancient Bible.

"You are the caretaker of the Wallacetown town hall?"

"Yes, sir."

"Where were you at 12.15 A.M., on April 14, 1918?"

The wizen man scratched his head. Craig had told him to do that. He hesitated. All eyes had centered on him.

All eyes except Craig's. Craig, watching Tanzer like a cat, saw the horsey man grip the back of a chair.

Craig repeated his question.

"Where were you at 12.15 A.M., on April 14, 1918?"

"Mr. Craig"—Thomas Jackson hesitated—"Mr. Craig, there never was any such an hour in Wallacetown. Daylight-saving all through the country went into force at 2 A.M., but at midnight, precise, Mr. Craig, just as the town council told me, I put the hands of the town-clock one full hour ahead."

Craig heard a gasp and a fall. He knew, without turning, that in his weakest moment—the moment of reaction when he thought himself safe—Tanzer was broken.

VIII.

McALLUM was angry.

Then he surrendered with the best grace he could.

It was not in the excited court-room, but in a witness-room, in a brief interlude of private cross-questioning by the prosecutor, that Tanzer told all he knew. What he actually did know was little enough. He had been in Dorgan's debt. Dorgan appeared sore that Fane had not been killed overseas, and that Fletcher still insisted on making Fane his heir.

"And what did he do?"

"I don't know—only he told me to be on that corner at twelve fifteen, and he'd let up on me if I'd swear I met him there. And—"

"He did not come?" put in Craig.

Tanzer gazed helplessly at McAllum.

"Spit it out!" commanded the prosecutor.

With all his relentlessness toward a man he had thought guilty, he had no eagerness to hang a man who was innocent.

"He didn't come," said Tanzer. "Not then. But he came running just before train-time and gave me the soldier-coat and hat he was wearing, and told me to burn them—and I did."

McAllum grimaced.

The case was plain enough. Fane had gone out first, driven by his temporary aberration, bareheaded and coatless, just as he was found next morning—and Dorgan had stayed, Dorgan had disputed with old man Fletcher, Dorgan had choked the old man in murderous anger. And Dorgan it was, wearing the soldier's cap and great-coat, that servants and neighbors saw running from the house and mistook for Fane.

After Fane was discharged, he called with Miss Flora Sutherland to thank Robert Craig. But it was the gray-eyed girl who spoke:

"I was right, Mr. Craig. You were our only hope—we'd never have won if you hadn't fought so hard."

"You'd have lost if I had fought harder," retorted Craig enigmatically. "You won just because I quit for fifteen minutes—yes, and timed my quitting just when Vida Craig had finished house-cleaning."